

# IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

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## COMPLETE TITLE OF CASE

MATHEW WAHL,

Appellant,

v.

WATCO COMPANIES, LLC,

Respondent.

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**DOCKET NUMBER WD77784**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** April 21, 2015

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## APPEAL FROM

The Circuit Court of Cole County, Missouri  
The Honorable Jon E. Beetem, Judge

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## JUDGES

Division III: Pfeiffer, P.J., and Witt and Gabbert, JJ.

CONCURRING.

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## ATTORNEYS

Brian Timothy Meyers and Brian C. McCart  
Kansas City, MO

Attorneys for Appellant,

Michael B. Hunter and Lisa A. Larkin  
St. Louis, MO

Attorneys for Respondent.

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## MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

MATHEW WAHL, )  
)  
Appellant, )  
v. ) **OPINION FILED:**  
) **April 21, 2015**  
WATCO COMPANIES, LLC, )  
)  
Respondent. )

**WD77784**

**Cole County**

**Before Division III Judges:** Mark D. Pfeiffer, Presiding Judge, and Gary D. Witt and Anthony Rex Gabbert, Judges

Mathew Wahl (“Wahl”) brought an action under the Federal Employer’s Liability Act, 45 U.S.C. §§ 51-60 (“FELA”) against his employer, Watco Companies, LLC (“Watco”), for personal injuries. The Circuit Court of Cole County, Missouri, granted summary judgment to Watco, finding that it was not a common carrier by railroad.

Wahl appeals, arguing that Watco is a common carrier by railroad because it is part of an integrated corporate family that includes common carriers by railroad, and it constitutes a necessary link to those carriers. He argues that Watco serves as a necessary link to South Kansas & Oklahoma Lines Railroad (“SKOL”), an entity within the Transportation Group of Watco, Inc., by servicing SKOL railcars so that SKOL can continue to operate as a railroad. Wahl also contends that Watco serves as a necessary link between SKOL and other railroads because SKOL derives business from delivering customers’ railcars to Watco for repair and then returning the repaired railcars to the customers.

**AFFIRMED.**

**Division III holds:**

Watco does not perform rail services for the public and is not a railroad company acting as a common carrier in interstate commerce. The work it performs in repairing and servicing railcars is not a “necessary link” to the common carrier operations of the railroads with which it

contracts. There are no facts suggesting that Watco and SKOL were “actively managing and uniting” their entities into an “organized system,” nor that Watco undertook any obligations of SKOL as a common carrier. This court declines to broaden the meaning of railroads and to extend the coverage of FELA to activities and facilities that, while used in conjunction with railroads and closely related to railroading, are yet not railroading itself.

**Opinion by: Mark D. Pfeiffer, Presiding Judge**

April 21, 2015

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